

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CLYDE HUBERT LIPSCOMB,

Plaintiff,

v.

Civil Action No. 2:16-cv-11573

NANCY A. BERRYHILL, Acting
Commissioner of the Social
Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Cheryl A. Eifert, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

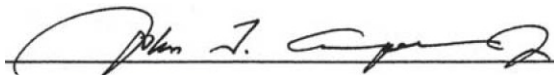
The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on August 30, 2017. The magistrate judge recommends that the court "deny Plaintiff's request for judgment on the pleadings, grant the Commissioner's request for judgment on the pleadings, affirm the decision of the Commissioner, dismiss this action, with prejudice, and remove it from the docket of the [court]." (ECF #12 at 21 (emphases and citations omitted).) The plaintiff, represented by counsel, has not objected to the Proposed Findings and Recommendation.

Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendations be, and hereby is, adopted by the court;
2. The plaintiff's request for judgment on the pleadings be, and hereby is, denied;
3. The Commissioner's request for judgment on the pleadings be, and hereby is, granted;
4. The Commissioner's decision be, and hereby is, affirmed;
5. The plaintiff's action be, and hereby is, dismissed, with prejudice and removed from the docket of the court.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

ENTER: December 19, 2017

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge